



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

EXECUTIVE DIVISION
OFFICE OF FEDERAL INITIATIVES

January 24, 2022

By ECF

Honorable Brenda K. Sannes
United States District Judge
United States District Court
Northern District of New York
P.O. Box 7336
Syracuse, NY 13261

RE: *Trump v. James*, NDNY No. 21 Civ. 1352 (BKS)(CFH)

Dear Judge Sannes,

The Office of the Attorney General (“OAG”) represents Defendant, Attorney General Letitia James, in the above-captioned case. I write to respectfully request a 5-page extension of the 25-page limit applicable to memoranda of law under the Court’s local rules in order to respond to Plaintiffs’ complaint. *See* Local R. 7.1(b)(1). Defendant’s response to the complaint is due on or before January 26, 2021. Defendant intends to move to dismiss Plaintiffs’ complaint on the basis that it is barred under multiple abstention doctrines due to a pending state court proceeding relating to OAG’s ongoing investigation that is the subject of Plaintiffs’ complaint and fails to state a claim upon which relief may be granted, in part because the asserted claims are barred by *res judicata*. Because the issues underlying this action, including the procedural history of the investigation and state court proceeding, are involved, additional pages are warranted.

By way of brief background, Plaintiffs filed this action on December 20, 2021, seeking to enjoin the Attorney General from continuing her investigation into Plaintiffs’ conduct under New York Executive Law § 63(12), or alternatively seeking her recusal from the investigation. Importantly, Plaintiffs and the Attorney General are parties to an ongoing special proceeding in New York Supreme Court, New York County, that was commenced by OAG in August 2020 to address subpoena compliance issues relating to the investigation. In addition to issuing a number of subpoena compliance orders, the state court now has before it cross-motions to quash and compel enforcement of subpoenas seeking testimony from Donald J. Trump and non-parties Donald Trump, Jr. and Ivanka Trump. Accordingly, in support of Defendant’s abstention and preclusion arguments, OAG will need to provide the Court with a detailed discussion of the procedural history of the investigation and state court proceedings to fully and adequately explain the basis for Defendant’s motion.

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We have conferred with Plaintiffs' counsel and Plaintiffs consent to this application.

Respectfully submitted,

/s/ Colleen K. Faherty

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